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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

CHIANG, JACK

ART UNIT PAPER NUMBER

2642

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/624,906

Applicant(s)

WURTZ, MICHAEL J.

Examiner

Jack Chiang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 1-12 is/are allowed.
- 6) ☒ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 04/12/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

CLAIMS

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 4-5, 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Reshefsky (US 6873862).

Regarding claim 1, Reshefsky shows a headset or headset assembly (fig. 1) comprising:

First input means (16) for receiving audio signals from a first source (40); and

Second input means (18) for receiving audio signals from a second source (50).

Regarding claim 4, Reshefsky shows a headset (fig. 1) comprising:

Means (16, 18) for receiving signals from respective first (40) and second (50) audio sources;

Means for changing relative amplitude of the received first and second signals (col. 4, lines 41-45).

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Regarding claim 10, Reshefsky shows a method of operating a headset (fig. 1)

comprising:

Receiving first and second signals from respective first (50) and second (40) audio sources;

Attenuating the first signal (50) in response to comparing the second signal (40) to a reference signal (col. 4, lines 22-26).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 6, 7-9, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reshefsky in view of Larson (US 5058155).

Regarding claim 7, Reshefsky shows a headset or headset assembly (fig. 1)

comprising:

A first input jack (16) for receiving audio signals from a first source (40); and

A second input jack (18) for receiving audio signals from a second source (50);

A microphone preamplifier (col. 4, lines 40-41).

Reshefsky differs from the claimed invention in that it does not explicitly show a detail of a microphone amplification, such as a circuit for coupling the microphone preamplifier to a battery terminal.

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However, Larson teaches providing a headset having a circuit for coupling the microphone preamplifier to a battery terminal (see 11, 23, 24, 28, 35 etc. in fig. 2).

Hence, the concept of controlling the microphone volume is well taught by Reshefsky, although a detail was not shown, it would have been obvious for one of ordinary skill in the art to modify Reshefsky with the circuit control as taught by Larson, such that the combination would provide a multipurpose amplifier which in turn increase the quality of communication (col. 2, lines 10-11 in Larson).

Regarding claims 2-3, 5-6, 8-9, 12, Reshefsky or the combination of Reshefsky and Larson shows:

The first source is a two-way radio (i.e. 40);

The second source is an entertainment or personal listening device (50);

The microphone boom (see 11 in Larson);

Powering means for the preamplifier (see 35 in Larson);

Means for changing the amplitude of the first and second signals (col. 4, lines 41-45 in Reshefsky; 24, 34 in Larson);

Detecting connection and coupling battery terminal to the microphone preamplifier (11, 23, 24, 28, 38, 35 etc. Larson).

5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reshefsky in view of Burk (US 5182774).

Regarding claim 11, Reshefsky shows the first and second audio signals.

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Reshefsky differs from the claimed invention in that it does not show the mixing of the signals and acoustically transducing the mixed signals.

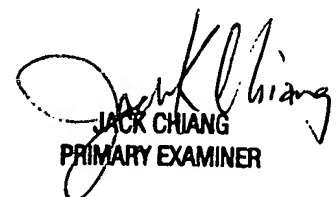
However, Burk teaches providing mixing signals to providing a noise cancellation headset (fig. 4).

Hence, it would have been obvious for one of ordinary skill in the art to modify Reshefsky's headset with the noise cancellation of Burk by mixing the first and second signals to proper cancel out the unwanted signal, such that to provide an effective noise reduction and making the headset quite effective in achieving the desired overall reduction of noise (col. 7, lines 14-17 in Burk).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jack Chiang whose telephone number is 571-272-7483. The examiner can normally be reached on Mon.-Fri. from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on 571-272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JACK CHIANG
PRIMARY EXAMINER